

6. Do you have any training or education, or any special knowledge from any source, about the sale, use of illegal drugs or abuse of prescription drugs?

Yes \_\_\_\_ No \_\_\_\_

If yes, please explain.

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7. Do you feel so strongly about drug use that you would not be able to fairly evaluate the evidence regarding that of a person who had a problem with drugs?

Yes \_\_\_\_ No \_\_\_\_

8. Have you or any close friends or family members now, or in the past, ever used or experimented with drugs?

Yes \_\_\_\_ No \_\_\_\_

If yes, please describe what types of drugs.

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9. Have you ever studied, had training or work experience in treatment programs for alcohol, drug or any other substance abuse (not previously mentioned)?

Yes \_\_\_\_ No \_\_\_\_

If yes, please explain.

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10. Do you have strong feelings or opinions about drugs?

If yes, please explain:

Yes \_\_\_\_ No \_\_\_\_

If yes, please explain.

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11. Do you believe consuming alcohol is acceptable?

If yes, please explain:

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12. Do you have strong opinions about the use of diet pills?

If yes, please explain:

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- 
13. Have you read, seen on television or heard any programs or information about methamphetamines and/or amphetamines?

If yes, please explain:

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14. Have you or anyone close to you ever had any experience(s) with an impaired driver (alcohol and/or drugs)?

If yes, please describe:

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15. How serious of a problem do you believe drunk and/or impaired drivers are here in Arizona?

☐ Very serious   ☐ Somewhat serious   ☐ Not that serious

Please explain:

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16. Do you agree with the following statements: Arizona is not doing enough to keep impaired drivers off the roads.

☐ Yes      ☐ No

☐ I feel safe driving on the streets and roads in Phoenix.

☐ I have never driven while impaired.

☐ I worry about being the victim of an impaired driver.

17. Do you have strong feelings about the use of paid experts in criminal trials?

If yes, please explain:

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18. Have you read, seen or heard anything about the use of:

- ☐ Field Sobriety Tests (FST)
- ☐ Horizontal Gaze Nystagmus (HGN)
- ☐ Drug Recognition Experts (DRE)
- ☐ Blood Analysis for Drug/Alcohol

If yes, please explain what you have read, seen or heard:

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What opinions did you form as a result of what your heard, read or seen?

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19. Generally speaking, what is your opinion about the reliability of Drug Recognition Experts? Is there anyone who believes their opinions are not reliable?
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- 

20. What are your views concerning the reliability of blood analysis in accurately identifying the presence of drugs in a person's system?
- 
- 

Are you uncertain, or believe this process is unreliable?

☐ Yes      ☐ No

21. Would you automatically find a defendant not guilty if no confession was presented as evidence during trial?
- ☐ Yes      ☐ No

## **MEDIA**

### **INFORMATION REGARDING NEWS COVERAGE. TELEVISION AND THE MEDIA**

The court is asking these questions regarding your normal exposure to the news media because the court must know whether you have already read or heard any news item about this case or related matters, which might make it difficult for you to be fair to the State or \_\_\_\_\_. From now until you are excused from jury service or complete your jury service, you are ordered to avoid all contact with any media coverage of this case. **If selected to serve on this case, your decision must be based only upon the evidence presented to you in court and instructions the court will give you.**

The court is aware of the fact this case has generated a great deal of news coverage in print, on the Internet and on television. However, the fact that you have seen or read something about the case will not necessarily be a basis to excuse you from this case. The court needs to know if you have formed any opinions about the events or people involved in this case from information you have previously received.

1. What, if anything, have you heard about this case?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. From what source did you learn this, that is, newspaper, Internet, television, another person, etc.?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Did you form any opinions about the guilt or innocent of \_\_\_\_\_ as a result of this information?  
Yes \_\_\_\_ No \_\_\_\_  
If yes, please explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. If you have formed any opinions, would you be able to set those opinions aside and judge this case only on the evidence presented in court?  
Yes \_\_\_\_ No \_\_\_\_
5. Did you watch any testimony from the *State of Arizona v.* trial on CourtTV webcast or on television? Yes \_\_\_\_ No \_\_\_\_

6. If yes, to what extent? Great Extent \_\_\_\_\_ Some Extent \_\_\_\_\_ Very Little \_\_\_\_\_

If yes, please list or describe the witnesses/testimony that you watched.

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7. Did you read or post on any online blog regarding the *State of Arizona v.* trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please list or describe the information/commentary you read.

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8. Did you form any opinions about the guilt or innocence of either defendant as a result of this information?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain your opinion and the basis of your opinion.

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9. To what extent did you follow this case or related issues in the news?

Great Extent \_\_\_\_\_ Some Extent \_\_\_\_\_ Very Little \_\_\_\_\_ Not At All \_\_\_\_\_

10. Have you formed an opinion about the guilt or innocence of defendant \_\_\_\_\_ as a result of *anything* you might have seen, read or heard from any source?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes," please explain.

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11. If you have formed an opinion, would you be able to set those opinions aside and judge this case only on the evidence presented in court?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Have you discussed this case with others?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes", please explain.

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13. What did you discuss and with whom did you discuss it?

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14. Have you formed an opinion about the guilt or innocence of either of the defendants as a result of these discussions?

Yes \_\_\_\_ No \_\_\_\_

If "yes," please explain.

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15. Have you read, seen or heard anything involving \_\_\_\_\_ or any related events since that verdict?

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16. From what specific source did you learn this, newspaper, television, another person, etc.?

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17. Did you form any opinions about the guilt or innocence of (case name) as a result of this information?

Yes \_\_\_\_ No \_\_\_\_

If yes, please explain.

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18. Do you have any close friends or relatives who have worked or are currently working in the news industry in any capacity?

Yes \_\_\_\_ No \_\_\_\_

If yes, please tell us who they are and by whom they are employed.

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19. Do you ever search the Internet for the news behind the stories that you see in the mainstream press?

Yes \_\_\_\_ No \_\_\_\_

20. If called to serve as a juror in this case, can you disregard anything you may have read or heard in the media or from any source and decide this case based only on the evidence produced in court? Yes \_\_\_\_ No \_\_\_\_

21. What newspapers, magazines and periodicals do you read on a regular basis?

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22. What portion(s) do you read (front page, sports, editorials, crime stories)?

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(b) Do you try to follow major crime stories?

Yes \_\_\_\_ No \_\_\_\_

If yes, briefly describe which stories you did follow.

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23. What, if any, radio and television news broadcasts, including "talk radio" shows, have you regularly followed during the past two years?

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24. Do you get any news from the Internet?

Yes \_\_\_\_ No \_\_\_\_

If yes, please list the websites or Internet sources.

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25. Do you try to follow stories about crime and the criminal justice system?

Yes \_\_\_\_ No \_\_\_\_

26. If the court instructs you not to view or discuss any media coverage of this case.

Will you follow those instructions? Yes \_\_\_\_ No \_\_\_\_

Will you prevent others from discussing the case with you or in your presence?

Yes \_\_\_\_ No \_\_\_\_

Will you immediately inform the court if you are accidentally exposed to any such coverage or discussions? Yes \_\_\_\_ No \_\_\_\_

27. Are there any potential jurors that do not use the internet on a regular basis?

Yes \_\_\_\_\_ No \_\_\_\_\_

- a. For those who do not, will you be able to follow a case in which internet use will be discussed?
- b. Is there anyone who feels that their lack of internet usage would make it difficult to follow testimony at trial regarding the internet?
- c. For those that do use the internet on regular basis, who here is familiar with facebook, myspace or other social networking sites?
- d. Is there anyone here who is unfamiliar with facebook or myspace?
- e. Does anyone here have any strong opinions about people that use facebook or myspace?

**CIVIL CASES PENDING AS RESULT OF  
CRIMINAL CHARGES**

1. What is your opinion of victims of crimes hiring attorneys to protect their victim's rights?

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2. What is your opinion of victims of crimes hiring attorneys to pursue civil cases arising from criminal misconduct?

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3. Do you think there are too many lawsuits filed?

☐ Yes      ☐ No

4. Is there any type of lawsuit that you don't believe in?

☐ Yes      ☐ No

5. Have you or has anyone close to you ever had a bad experience with a lawyer or the legal system?

☐ Yes      ☐ No

## SAFETY

1. Have you, a close friend or a family member ever participated in any groups concerned with crime prevention or victim's rights?

☐ Yes      ☐ No

If Yes: What is the person's relationship to you? What group? Describe its purpose and your (their) participation in it.

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2. Are there any particular crimes that are especially upsetting to you or that you worry about?

☐ Yes      ☐ No

If Yes: Please explain.

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3. Do you own a handgun?

☐ Yes      ☐ No

4. Have you ever used physical force to protect yourself or others?

☐ Yes      ☐ No

If Yes: Please explain.

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5. Have you ever been involved in a Neighborhood Watch program?

☐ Yes      ☐ No

## SCHOOLS

1. What type of school(s) do your children attend?

____ Private School	____ Public School	____ Both	____ I Do Not Have Children
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2. Generally, how would you describe your experiences with the school(s) your child attends?

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3. Have you read or heard any information specifically about incidents of misconduct involving school teachers?

☐ Yes      ☐ No

If Yes: Please explain.

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4. What opinions have you formed after seeing or hearing these reports?

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5. There is an old saying, "spare the rod, spoil the child." Do you ...

____ Strongly Agree	____ Agree	____ Disagree	____ Strongly Disagree
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6. What method(s) of discipline should not be used in public schools?  
Check all that apply:

____ Time out ____ Verbal reprimand ____ Spank on the buttocks ____ Spank on other body parts	____ Spank with paddle or belt or other instrument ____ Take away privileges ____ Other: Please specify
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7. What method(s) of discipline should not be used in private school?

Check all that apply:

- ☐ Time out
 ☐ Spank with paddle or belt or other instrument  
☐ Verbal reprimand
 ☐ Take away privileges  
☐ Spank on the buttocks ☐ Other: Please specify  
☐ Spank on other body parts

8. Do you agree or disagree with the following statements:

Elementary aged children should be spanked by the principal of the school when they break the rules.

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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Elementary aged children should be spanked by the principal of the school when they break the rules, but only if the parent has given oral permission.

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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Elementary aged children should be spanked by the principal of the school when they break the rules, but only if the parent has given written permission.

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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Elementary aged children should never be spanked by the principal of a school.

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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9. Have you or anyone close to you ever been physically disciplined by a teacher or principal of a school?

☐ Yes ☐ No

If Yes: What are your thoughts about that experience?

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10. As a child, did you attend:  
Check all that apply:

☐ Public Elementary School  
☐ Catholic Elementary School  
☐ Other: Please specify

☐ Private Elementary School (Christian)  
☐ Private Elementary School  
(not affiliated with a religion)

11. What kind(s) of school(s) did/do your children attend?  
Check all that apply:

☐ Public Elementary School  
☐ Catholic Elementary School  
☐ Other: Please specify

☐ Private Elementary School (Christian)  
☐ Private Elementary School  
(not affiliated with a religion)

## DOCTORS AND HEALTH ISSUES

1. Have you or anyone close to you had any serious, health issues?  
☐ Yes ☐ No  
If yes, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. How often do you seek medical care from a health care provider for yourself or a loved one?  
☐ Very often ☐ Somewhat regularly ☐ Not very often ☐ Rarely
3. Are you or anyone close to you a physician?  
☐ Yes ☐ No  
If yes, please explain \_\_\_\_\_  
\_\_\_\_\_
4. Do you have strong feelings about doctors or health care professionals?  
☐ Yes ☐ No  
If yes, please explain \_\_\_\_\_  
\_\_\_\_\_
5. Have you or anyone close to you, now or in the past, ever cared for a person that has physical or mental handicaps?  
☐ Yes ☐ No  
If yes, please explain \_\_\_\_\_  
\_\_\_\_\_
6. Have you read, seen or heard anything about:  

Children with cerebral palsy	<input type="checkbox"/> Yes <input type="checkbox"/> No
Autism Spectrum Disorder	<input type="checkbox"/> Yes <input type="checkbox"/> No
Plagiocephaly	<input type="checkbox"/> Yes <input type="checkbox"/> No
Drowning Coalition of Arizona	<input type="checkbox"/> Yes <input type="checkbox"/> No
Southwest Autism Research & Resource Center (SARRC)	<input type="checkbox"/> Yes <input type="checkbox"/> No

If yes, please list what you have read, seen or heard:

\_\_\_\_\_

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If yes, please provide your opinions about what you have read, seen or heard:

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7. Do you or anyone close know or care for a person with Autism

☐ Yes ☐ No

If yes, please explain \_\_\_\_\_

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8. Are you, or have you in the past been the primary caretaker of a child/children?

☐ Yes ☐ No

If yes, please explain \_\_\_\_\_

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9. Have you or anyone you know ever been involved with Scottsdale Unified School District's PANDA (Program for Assessed Needs in Developmental Areas) Program?

☐ Yes ☐ No

If yes, please explain \_\_\_\_\_

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10. Do you or your spouse or partner personally know any medical doctors, including Dr. \_\_\_\_\_?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please supply their names and describe the capacity in which the doctors are known, such as professionally, personally (socialize or are friends) or both.

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11. Have you ever received training or engaged in the practice of medicine or any health care occupation?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe the field, and where and when you worked in medicine or a health care occupation.

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- 12 Have you, or a family member, had any negative experiences with the medical profession?

Yes \_\_\_\_ No \_\_\_\_

If yes, please describe.

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13. Have you, a family member or close personal friend ever filed a lawsuit or a complaint against a doctor?

Yes \_\_\_\_ No \_\_\_\_

If yes, please describe the nature of the lawsuit or complaint, the approximate date of the lawsuit or complaint, who brought it and against which doctor and the outcome.

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14. Have you, or has anyone close to you, ever been involved or associated with the University of Arizona Medical School?

Yes, self \_\_\_\_ Yes, someone close \_\_\_\_ No \_\_\_\_

If yes, please explain.

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- 14 Have you or anyone close to you ever sought treatment from or knows anybody associated with any of the following.

YES

NO

(a) Arizona Specialty Eye Care

_____	_____
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(b) Arizona Pediatric Eye Specialists

_____	_____
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(c) Specialty Eye Care

_____	_____
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(d) Pediatric Ophthalmology & Center for Adult Strabismus

_____	_____
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If yes, please explain.

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15. Have you ever sought eye care from an ophthalmologist in Arizona?

Yes \_\_\_\_ No \_\_\_\_

If yes, please list the doctors you have seen.

16. Have you ever taken your child to a pediatric ophthalmologist in Arizona?

Yes \_\_\_\_ No \_\_\_\_

If yes, please list the doctors you have seen.

17. Have you been involved in any fund-raisers or memorials for Dr. \_\_\_\_\_ or members of his family?

Yes \_\_\_\_ No \_\_\_\_

18. Do you know any medical doctors or other medical staff personnel who knew or worked with Dr. \_\_\_\_\_?

Yes \_\_\_\_ No \_\_\_\_

If yes, what was their association?

19. Have you, a close friend or a family member ever had any experiences with:

Emergency Room Physicians	<input type="checkbox"/> Yes	<input type="checkbox"/> No
OB/GYN(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Pediatrician(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Forensic Nurse	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If Yes: Was it a positive, negative, or neutral experience? Please explain.

### **MENTAL HEALTH**

20. Have you ever studied, had training or work experience in psychology, psychiatry, psychotherapy, counseling, or any related subjects?

☐ Yes ☐ No

If yes, please describe:

21. Have you, a family member or close friend ever been involved with the mental health field or professions in any manner (including employment, volunteer work, etc.):

Yes ☐ No

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

22. Have you, a close friend or a family member ever had a disease that was difficult to diagnose?

☐ Yes ☐ No

If Yes: Please explain.

\_\_\_\_\_

\_\_\_\_\_

23. Have you, your spouse/partner or a family member or close friend ever seen a psychologist, psychiatrist or counselor?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes please explain:

\_\_\_\_\_

\_\_\_\_\_

24. Do you believe that psychologists or psychiatrists can offer helpful testimony about human behavior in criminal trials?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes please explain:

\_\_\_\_\_

\_\_\_\_\_

## DROWNINGS

1. Have you read, seen on television or heard any programs or information about child drownings? ☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Have you or anyone close to you ever had any experience(s) with a drowning or near drowning? ☐ Yes ☐ No

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. How serious of a problem do you believe child drowning is here in Arizona?

☐ Very serious ☐ Somewhat serious ☐ Not that serious

Please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Do you currently, or had in the past, a backyard pool or spa? ☐ Yes ☐ No

If yes, please describe the steps you took for pool safety:

\_\_\_\_\_

\_\_\_\_\_

5. Do you agree or disagree with the following statement: Arizona should never criminally prosecute a person whose child has drowned while in their care.

☐ Strongly agree ☐ Agree ☐ Disagree ☐ Strongly disagree

Please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Do you have strong feelings about the State of Arizona criminally prosecuting people for neglect, abuse or negligence of their child(ren)? ☐ Yes ☐ No

Please explain: \_\_\_\_\_

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7.

Are you:

a) A good swimmer?

☐ Yes ☐ No

b) Certified in water safety or taken a water lifesaving course?

☐ Yes ☐ No

c) A professional working in any way with children

☐ Yes ☐ No

g) Experienced in caring for multiple children at one time?

☐ Yes ☐ No

If yes to any of the above, please explain \_\_\_\_\_

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## **STRANGULATION**

1. How many of you believe that crimes which take place in the home should not be prosecuted?  

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2. Is there anyone who believes an assault outside the house is more dangerous than an assault within the home?  

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3. Is there anyone who believes a victim must be married to be the victim of domestic violence?  

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4. Is there anyone who feels that it's wrong for the state to get involved in a domestic violence case?  

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5. Have you ever heard an altercation taking place (perhaps at a neighbor's home) in which you feared someone was in danger? Did you call the police?  

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6. Is there anyone who feels that domestic violence victims deserve less protection than victims of crimes committed by strangers do? Is there anyone who feels that defendants in domestic violence cases should be treated differently simply because the couple has a child together or because they were once in a relationship?  

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7. How do you feel about a victim who will not testify against her abuser because they have a child together?

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8. Have you ever called the police because you yourself were afraid of being hurt or fearful that someone you loved was going to be harmed?

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9. Have you ever used physical force to protect yourself or others?

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10. Generally speaking, do you consider yourself to be more of a risk taker?

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11. Do you have strong feelings about the State of Arizona criminally prosecuting a person for placing their hand(s) around someone's throat – which affected their ability to breathe?

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12. Is there anyone who believes it's not a crime to strangle or choke someone if they only use their hands?

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13. Is there anyone who has strong feelings about the laws in Arizona as they pertain to domestic violence? Please explain.

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14. Do any of you have strong feelings about women who have been in relationships in which there have been incidents of abuse?

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15. Is there anyone who will look at this case differently – look at the allegations differently – simply because the victim had a prior relationship with the defendant?

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16. Have you or anyone close to you ever experienced an episode of choking, or some inability to breathe? Please explain.

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17. Is there anyone that does not believe placing your hands around the neck of another person and affecting their ability to breathe – should not be a crime? Are there any circumstances you can think of which might make you consider this to be excusable? Please tell me what those circumstances would be.

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18. Have you, or anyone close to you ever been accused of any type of domestic violence or assault of another person? Please describe the circumstances.

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### IDENTIFICATION / MEMORY ISSUES

1. Have you read, seen or heard anything about how trauma affects memory?  
☐ Yes      ☐ No  
If yes, what have you seen, read or heard?  

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2. What opinions have you formed as a result of what you have seen or read?
3. How many people here have ever been in a car accident?
4. Is there anyone who had a hard time recalling every detail of what happened?  
☐ Yes      ☐ No
5. Is there anyone who disagrees that when something sudden and traumatic happens – it is often difficult to recall exactly what happened and when?  
☐ Yes      ☐ No
6. Have you ever remembered details of unexpected events ... after some time had passed?  
☐ Yes      ☐ No
7. For those that said yes – why do you think you were able to recall details after the fact?  

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8. Is there anyone who has had a traumatic experience and had difficulties recalling exactly what happened?  
☐ Yes      ☐ No  
If yes, please explain.  

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9. Is there anyone who has strong opinions about victims of violent crimes who have difficulties with the exact recall of events?  
☐ Yes      ☐ No

10. How about with the victim's description or identification of the person who hurt them?

☐ Yes      ☐ No

If yes, please explain.

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11. Generally speaking, what is your opinion about the reliability of eye witness identification by crime victims?

☐ Very reliable      ☐ Somewhat reliable      ☐ Not reliable

## **DEATH PENALTY**

The State has charged the defendant with First Degree Murder and is seeking to impose the death penalty. Thus, every juror selected may be required to answer three separate questions and return three separate verdicts in separate phases of trial.

The first question will be whether the State has proven the defendant guilty of First Degree Murder beyond a reasonable doubt. If the jury does not unanimously find that the State has proven that the defendant has committed First Degree Murder beyond a reasonable doubt, the trial will end. If the jury unanimously finds that the defendant is guilty of First Degree Murder, then the trial moves to a second phase, which we call the Aggravation Phase.

During the Aggravation Phase, the State must prove beyond a reasonable doubt that at least one aggravating factor is true. If the jury does not unanimously find that the State has proven that at least one aggravating factor is true beyond a reasonable doubt, the trial will end with the jury's verdict of guilty remaining in effect. If the jury unanimously finds that the defendant is eligible for the death penalty, then the trial moves to a third phase, which we call the Penalty Phase.

During the Penalty Phase, each juror will be asked to decide whether the defendant should be sentenced to death or to a life term sentence. Under Arizona law, a life sentence may be life in prison for the rest of the defendant's life with no possibility of release, or may be life in prison, but defendant may ask to be paroled after serving 25 years. If the jury returns a verdict for a life sentence, Arizona law provides that the judge determine which life sentence to impose.

In deciding whether the defendant should be sentenced to death or to a life term, each juror will be asked to determine whether mitigating factors exist. Mitigation may include any aspect of the defendant's character, propensities or history and any of the circumstances of the offense that lead an individual juror to believe that a life term is the appropriate sentence. In determining whether to impose a sentence of death, each individual juror shall take into account the aggravating factor(s) that the jurors have found to be proven and any mitigating factor(s) that each individual juror has found to be proven. Each juror will then have to determine whether there is mitigation sufficiently substantial to call for leniency.

If the jury finds that the mitigation proven to exist is sufficiently substantial to call for leniency, then jury must sentence the defendant to life imprisonment and it will then be up to the judge to decide whether the sentence of life imprisonment shall be life without parole or life with the possibility of parole after serving 25 years imprisonment. If the jury finds that the mitigation proven to exist is not sufficiently substantial to call for leniency, then the jury must sentence the Defendant to death.

## **ATTITUDES REGARDING THE DEATH PENALTY**

In any case in which the death penalty is a possible punishment, the law requires that the prospective jurors answer questions regarding their thoughts, feelings, and opinions on the death

penalty. The law requires these questions be asked before the first phase begins. You must not assume from any of the questions asked that the defendant is in fact guilty of any crime.

1. What are your **GENERAL FEELINGS** regarding the death penalty and why do you feel that way?

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2. Which statement best summarizes your general views about the death penalty:  
(Check only ONE.)

- ☐ I am opposed to capital punishment under any circumstances.
- ☐ I am opposed to capital punishment except in a few cases where it may be appropriate.
- ☐ I am neither generally opposed to nor in favor of capital punishment.
- ☐ I am in favor of capital punishment except in a few cases where it may not be appropriate.
- ☐ I am strongly in favor of capital punishment as an appropriate penalty.
- ☐ None of the above. If so, please tell us your views:

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3. Should the death penalty apply to someone who did not intend to cause the death of another person: ☐ Yes ☐ No

Why or why not: \_\_\_\_\_

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4. Have your views about the death penalty changed in the past years?

☐ Yes ☐ No

If yes, please describe: \_\_\_\_\_

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- 
5. Is there any particular event in your life that has influenced the way you feel about the death penalty? ☐ Yes ☐ No If yes, please describe: \_\_\_\_\_

- 
6. Do you believe the question of punishment, once a person has been found guilty of a crime, should be decided by a judge or by a jury?  
☐ JUDGE ☐ JURY

7. Does your religion have a view on the death penalty? ☐ Yes ☐ No

If yes, please describe: \_\_\_\_\_

Do you agree or disagree with this view?

- 
8. Do you hold any **moral, religious or philosophical principles** that would affect your ability to vote for the death penalty as a judgment in this case? ☐ Yes ☐ No

Please explain: \_\_\_\_\_

- 
- a. What are your general feelings about being asked to impose the death penalty?

- 
- b. Would you be able to vote for the death penalty in a murder of just one person?

- 
9. Do you hold any **moral, religious or philosophical principles** that would affect your ability to vote for a life sentence as a judgment in this case? ☐ Yes ☐ No

Please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. If the issue of whether Arizona should have a death penalty law was to be on the ballot in the next election, how would you vote?

☐ For ☐ Against Please explain: \_\_\_\_\_

\_\_\_\_\_

11. Do your parents or spouse/partner or siblings or children have an opinion about the death penalty different than your own? ☐ Yes ☐ No

Please explain: \_\_\_\_\_

\_\_\_\_\_

Would this affect your ability for vote for the death penalty in a capital case?

☐ Yes ☐ No

Please explain: \_\_\_\_\_

\_\_\_\_\_

12. Please complete the following sentence: I feel people are sentenced to death:

☐ Too seldom ☐ Unfairly

☐ Too often ☐ About the right amount of time

Please explain: \_\_\_\_\_

\_\_\_\_\_

13. Will you, for whatever reason, automatically vote against the death penalty without considering the evidence and the instructions of law that will be presented to you?

☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

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14. Will you, for whatever reason, automatically vote for the death penalty without considering the evidence and the instructions of law that will be presented to you?

☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

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15. The cost of either form of sentence cannot be considered by the jury in deciding punishment. Do you agree with this law? ☐ Yes ☐ No

If no, please explain. \_\_\_\_\_

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16. You will be instructed that you must disregard any opinion you may feel the judge has about the facts of the case. Will you be able to follow that instruction? ☐ Yes ☐ No

If no, please explain. \_\_\_\_\_

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### **CAPITAL TRIAL PROCESS**

After the jury is selected, the trial will begin with first of possibly three phases of trial.

The first phase is called the "guilt" phase wherein the jury will be asked to decide whether the State has proven beyond a reasonable doubt that the Defendant committed First Degree Murder. If the jury finds the Defendant not guilty of First Degree Murder, then the next two phases of the trial will not occur. If the jury finds the Defendant guilty of First Degree Murder, then the trial would proceed to the "aggravation" phase.

During the "aggravation" phase, the jury will be asked to decide whether the State has proven specific alleged aggravating factor(s) true beyond a reasonable doubt. If the jury finds that the State has failed to prove any aggravating factor to be true beyond a reasonable doubt, then the next phase of the trial will not occur. If the jury determines the State has proven an aggravating factor to be true, then the trial would proceed to the "penalty" phase.

During the "penalty" phase, the jury will be asked to determine if mitigating circumstances exist, and whether or not the death penalty is the appropriate sentence. Mitigation may include any aspect of the defendant's character, propensities or record, and any of the circumstances of the offense. In determining whether to impose a sentence of death, each individual juror shall take into account the aggravating circumstances that all the jurors have found to be proven and any mitigating circumstances that each individual juror has found to be proven by a preponderance of the evidence. Each juror will then have to determine whether there is mitigation sufficiently substantial to call for leniency.

The jury will decide whether or not the death penalty is the appropriate sentence. If the jury determines that the death penalty is not the appropriate sentence, then the Defendant will be sentenced to life imprisonment and it will be up to the judge to decide whether the sentence of life imprisonment shall be life without parole or life with the possibility of parole after serving 35 years imprisonment.

17. You will be instructed that jurors must accept and follow the law as instructed by the judge, whether or not you personally agree with the law. Are your views regarding the death penalty, whether based on moral, philosophical, religious or any other grounds, so strongly held by you that you will be prevented or impaired from performing your sworn duty to follow the law and applying it to the facts of the case?
- ☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

18. Assume you are on a jury to determine the punishment for a defendant who has already been convicted of First Degree Murder and the law gives you a choice of death or life imprisonment: (Check only ONE.)

- ☐ I cannot vote to give the death penalty under any circumstances.
- ☐ I am opposed to the death penalty but could vote to assess it in a proper case.
- ☐ My decision on whether to assess the death penalty would depend

upon the facts and circumstances of the case.

☐ I would vote to assess the death penalty in every case where I could.

19. If after hearing the evidence, reviewing the instructions, and deliberating with your fellow jurors, you believed that death was the appropriate sentence, would you personally be able to enter a verdict that would cause the defendant to die?

☐ Yes ☐ No

20. Similarly, if after hearing the evidence, reviewing the instructions and deliberating with your fellow jurors, you believed that life was the appropriate sentence, would you personally be able to enter a verdict that would lead to such a sentence?

☐ Yes ☐ No

21. Do you agree that it would be wrong for a juror to sit through the entire sentencing proceeding and then, for the first time, state during deliberations that regardless of the facts, he or she would never vote for the death penalty, or alternatively, would always vote for the death penalty?

☐ Yes ☐ No If no, please explain:

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22. If you were accused of a similar offense as the defendant, would you be satisfied that your case should be tried by 12 people with your background and your frame of mind? ☐ Yes ☐ No

Please explain your answer: \_\_\_\_\_

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23. Based on what you know about the case, including the facts that the State is seeking the death penalty and the Defendant is accused of murdering of woman to obtain the money in her home, is there any reason why you could not be a fair and impartial juror in this case?

☐ Yes ☐ No If yes, please explain (if not previously covered):

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24. Is there any reason you **WOULD** like to be a juror in this case?

☐ Yes ☐ No If yes, please explain (if not previously covered):

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25. Is there any reason you **WOULD NOT** like to be a juror in this case?

☐ Yes ☐ No If yes, please explain (if not previously covered):

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26. Is there any matter that **has not** been covered by this questionnaire concerning the possible penalties, or your feelings and attitudes about the possible penalties, or concerning **any other subject** that you feel that you should mention at this time that might affect your ability to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

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27. The law requires that aggravating factors be proven beyond a reasonable doubt. Mitigation, on the other hand, need only be proven by a preponderance of the evidence.

Do you agree with this law? ☐ Yes ☐ No

If no, can you follow this law even though you disagree with it? ☐ Yes ☐ No

If no, please explain: \_\_\_\_\_

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28. Arizona statutes contain the list of aggravating factors that may make a defendant eligible for a death sentence. No other factors may be used as an aggravating factor.

Do you agree with this law? ☐ Yes ☐ No

If no, can you follow the law even though you disagree with it? ☐ Yes ☐ No

29. As stated on page 27, mitigation may include any aspect of the defendant's character, propensities or history and any of the circumstances of the offense that lead an individual juror to believe that a life term is the appropriate sentence. The law requires jurors to consider any proven mitigation before deciding whether to impose a sentence of death.

Do you agree with this law? ☐ Yes ☐ No

Would you be able and willing to follow this law even if you disagree with it?

☐ Yes ☐ No

If either answer is no, please explain:

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30. If you determine that the appropriate sentence is life, the Court will determine if the sentence will be life without the possibility of release or life with the possibility of release only after at least 25 years in prison have been served. Do you agree with the law that requires the judge, not the jury, to make the decision about which type of life sentence to impose?

☐ Yes ☐ No If no, please explain: \_\_\_\_\_

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31. The financial cost of either form of sentence cannot be considered by the jury in deciding punishment. Do you agree with this law? ☐ Yes ☐ No

If no, please explain: \_\_\_\_\_

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### DNA/SCIENTIFIC ANALYSIS OF EVIDENCE

1. Have you recently read, seen or heard anything about DNA and DNA analysis?  
☐ Yes ☐ No  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Are you aware of any court cases involving DNA analysis? ☐ Yes ☐ No  
If yes, please describe these cases and state what you recall about them and the role DNA analysis played in the outcome: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. What is your view concerning the reliability of DNA analysis in accurately identifying and/or eliminating a person as the source of evidence found at a crime scene?  
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable
4. Do you have any difficulty trusting, understanding, and/or have a strong dislike of complex math/scientific information? ☐ Yes ☐ No  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Have you taken any classes or read about molecular biology, population genetics, or statistics? ☐ Yes ☐ No  
If yes, please list which subjects and explain your level of understanding: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. What is your view concerning the reliability of forensic testing such as ballistics and/or firearms?  
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable ☐ Unknown

7. Have you read or had any direct experiences with the accuracy of eye witness identification? ☐ Yes ☐ No

If yes, please list what you have read or provide details about your experience.

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8. Have you read, seen or heard anything about efforts taken regarding disguises and efforts to prevent forensic evidence at crime scenes? ☐ Yes ☐ No

If yes, please list what you have read, seen or heard:

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## **IMMIGRATION**

There has been much written in the press and on television about illegal immigration here in Arizona. As a border state, Arizona must enforce laws concerning many aspects of illegal immigration. Many people have strong feelings about illegal immigration and reform. While this trial is not about the legality of entering this country illegally – it is about stealing an identity to gain employment. I'd like to talk to you about your feelings about many of these topics.

Arizona came to forefront of the immigration debate with the passage of SB1070. This legislative act was the broadest and strictest anti-illegal immigration measure in the US. This Act received national attention and considerable debate – especially here in Arizona. Is there anyone who has very strong opinions or feelings against SB1070?

Are you or anyone close to you involved in any support groups or organizations for immigration reform? Read or seen anything regarding immigration reform? What opinions have you formed about what you have seen or read?

First, have you or anyone close to you participated in a rally or signed a petition specific to issues involving immigration?

Have you or anyone close to you written a letter to an editor, written a blog or posted an opinion online about issues involving immigration?

Is there anyone who has strong feelings – either for or against – Sheriff Joe Arpaio?

Are you, or have you ever been a member of any human rights advocacy group? Are you or anyone close to you involved in anyway – as a volunteer, through church or as a result of your job with the advancement of human rights?

Is there anyone who believes it is acceptable to work in the US without having the necessary legal documentation?

Do you or anyone close to you have strong feelings against the Volunteer Minutemen Guard?

Is there anyone who believes there is a law enforcement bias against illegal immigrants – specifically people from Mexico?

If the law as presented to you by the Judge in this case was contrary to your personal beliefs concerning illegal immigration, is there anyone who could not set aside your own views and apply the law to facts of this case as instructed by the Judge?

The Defendant and the Victim(s) were born in Russia. The Defendant is Jewish. Would the ethnic heritage of the Defendant, or the Victim in this case interfere in anyway with your ability to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

## **IDENTITY FRAUD**

Is there anyone here who does not believe identity theft is a serious problem here in the US?

Is there anyone who does not believe it should be against the law to use someone else's identity in order to get a job and work?

**Is there anyone who agrees with the following statements:**

- Identity theft must involve financially hurting another person for it to really be considered a serious crime.
- Using someone's social security number to get a job is understandable when faced with the inability of getting a job otherwise.
- Making up a fake social security number to get a job is really a victimless crime.
- I have a difficult time feeling strongly about a crime when there is no victim in the courtroom to testify about being harmed.
- I have feelings of sympathy for a person who is willing to do whatever it takes to have a job – even if it means breaking a law.

Have you or anyone close to you felt they were the victims of a “scam?” **IF YES:** please explain the circumstances

To your knowledge, have you ever lost money because of a fraudulent scheme? **IF YES:** please explain the circumstances.

Do you or anyone close to you conduct internal investigations as a duty of your employment? **IF YES:** please explain.

Do you or anyone close to you have any training, education or expertise in employment law or EEOC? **IF YES:** please explain.

A whistleblower is a person who tells the public or the authorities about alleged dishonest or illegal activities occurring within their workplace. Is there anyone who has had been negatively affected by a whistleblower? Is there anyone who has very strong feelings against someone who basically snitches on the wrongdoing of a company after that person no longer works there?

## **EXPERTS**

1. Do you have strong feelings about the use of paid experts in criminal trials?  
☐ Yes ☐ No If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
2. Do you strongly believe that psychologists, psychiatrists, and/or medical experts can identify and explain the reasons for violent human behavior?  
☐ Yes ☐ No If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
3. Expert witnesses may be testifying in this case. Experts have advanced education and experience relevant to this case. Experts on both sides in this case have probably testified in a number of different cases. Does the fact that experts frequently testify bother you or upset you in any way so that you would have trouble listening to their testimony and determining its credibility?  
\_\_\_\_\_  
\_\_\_\_\_
4. Most of the expert witnesses that will be testifying in this case have been paid by either the County or the Defendant. Does anyone have any strong feelings about the fact that experts get paid for their time?  
\_\_\_\_\_  
\_\_\_\_\_
5. What factors do you take into account when deciding whether a professional is telling you the truth?  
\_\_\_\_\_  
\_\_\_\_\_
6. If you heard two (2) professional witnesses testify in court, and they rendered contradictory opinions, how would you determine who was telling the truth?  
\_\_\_\_\_  
\_\_\_\_\_

Would you feel comfortable making that type of determination?

Yes\_\_\_\_\_ No\_\_\_\_\_

7. Do you believe that if two professional witnesses render different opinions, you can't believe either one of them? Can't convict?

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## INFORMANT/IMMUNITY

1. What is your view concerning the reliability of video and/or conversations captured a hidden camera or hidden voice recorders?  
☐ Very reliable   ☐ Somewhat reliable   ☐ Not reliable   ☐ Unknown
2. Do you have strong feelings about the use of the police department using a hidden camera or hidden voice recorders in an investigation of a murder for hire scheme?  
☐ Yes   ☐ No   If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
3. Do you have strong feelings about the use of the State of Arizona using an informant in the investigation and prosecution of a murder for hire case?  
☐ Yes   ☐ No   If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
4. What is your view concerning the reliability of video captured on closed circuit cameras?  
☐ Very reliable   ☐ Somewhat reliable   ☐ Not reliable   ☐ Unknown
5. Have you ever used or needed to rely upon closed circuit cameras/video?  
☐ Yes   ☐ No   If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
6. Do you have strong feelings about the use of the State of Arizona granting immunity to a witness in a murder case?   ☐ Yes   ☐ No

## ATHLETES

1. Are you an avid basketball fan?  
☐ Yes ☐ No
2. Did you, or anyone close to you play collegiate and/or professional sports?  
☐ Yes ☐ No If yes, list: \_\_\_\_\_  
\_\_\_\_\_
3. Are you or anyone close to you involved in youth athletics – such as coaching, organizing or volunteering?  
☐ Yes ☐ No If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

## GAMBLING

1. Do you have strong feelings about gambling? ☐ Yes ☐ No If yes, please explain:

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2. Have you ever gambled and/or been to Casino Arizona?  
☐ Yes ☐ No

Have you ever had a negative experience at Casino Arizona? ☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

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3. Generally, do you believe gambling at an Indian Reservations is not safe? ☐ Yes ☐ No If yes, please explain: \_\_\_\_\_

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## INVESTIGATION ISSUES

1. Are you or anyone close to you responsible for any aspect of quality control at your/their work place? ☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

2. Does your job or profession require a high level of precision or have an expectation of perfection? ☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

## CONSPIRACY

1. Have you ever felt that you or someone close to you was the target of a conspiracy at work? ☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Are you interested in books, television shows and/or movies about conspiracy theories?  
☐ Yes ☐ No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_